

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 2-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and remarks as set forth below.

CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized Applicants claim for foreign priority and the receipt of the certified copies. In view of the fact that Applicants claim has been perfected, no additional action is required from Applicants at this time.

DRAWINGS

The Official Draftsperson has not approved the formal drawings submitted by Applicants. It is respectfully submitted that the drawings comply with the requirements of USPTO. If the Official Draftsperson has any objections to the formal drawings, he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Official Draftsperson.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner is respectfully requested to acknowledge the Information Disclosure Statement originally filed on September 12, 2001 with copies of the documents being submitted on December 20, 2001. An initialed copy of the PTO-1449 should be sent to the undersigned at the earliest convenience of the Examiner.

ABSTRACT OF THE DISCLOSURE

The Examiner pointed out the application does not contain an Abstract of the Disclosure and requires an Abstract on a separate sheet. It is pointed out that this is a rule 371 application and that the original application is the International Application, including the cover page. The Abstract was included on the cover page of the original application. However, Applicants are submitting herewith the new copy of the Abstract with minor changes, as required by the Examiner.

REJECTION UNDER 35 U.S.C. 112

Claims 8 and 9 stand rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite. This rejection is respectfully traversed.

In regard to claim 8, the Examiner objected to "the envelope surface". By way of the present amendment "the" has been replaced

in both lines 2 and 3 with either "a" or "an". Accordingly, this problem is now overcome.

In regard to claim 9, the Examiner questioned the final phrase of the claim. Applicants have now reworded this phrase to make it clear that the lateral edges of adjacent coils of the strip are in contact with each other. It is believed that this phrase is now clear and that accordingly this rejection is overcome.

REJECTION UNDER 35 U.S.C. 102

Claims 1, 2 and 7 stand rejected under 35 U.S.C. 102 as being anticipated by Larson (USP 939,038). This rejection is respectfully traversed.

The Examiner states that the Larson reference shows an accessory for a driving machine having an output shaft and an attachment surface and where the accessory includes a roller with a working surface and a transmission between the roller and output shaft where the roller is rotatably mounted between legs of a fork-shaped unit which contains the transmission. Applicants disagree with the Examiner's understanding of this reference.

Claim 1 has now been rewritten as new claim 10 to place it in more standard U.S. format. However, the content is similar to that of original claim 1. This claim describes an accessory for a power tool having a combination of elements including a mounting part for

mounting to the surface of the tool, an input shaft for coupling to the output shaft of the tool, a transmission, forked-shaped unit having two legs which contains the transmission and a roller between the legs and being driven by the transmission. Applicants submit that this combination of elements is not seen in the reference.

First, Applicants note that the Larson device is not an accessory for a power tool. Instead, it is a self-contained device. Furthermore, it is designed to be driven by compressed air. Accordingly, it does not have an input shaft driven by an output shaft of a tool. It also does not have a mounting part for mounting to such a tool. Accordingly, Applicants submit that this reference does not show the combination of elements presently claimed in claim 10.

Claims 2-9 depend from claim 10 and as such are also considered to be allowable. In addition, these claims recite other features, many of which are not seen in the reference. In particular, the Examiner has already admitted that claims 3-6, 8 and 9 claim other features not seen in Larson. Accordingly, these claims are believed to be additionally allowable.

REJECTION UNDER 35 U.S.C. 103

Claims 3-6 stand rejected under 35 U.S.C. 103 as being obvious for Larson in view of Ichikawa (USP 6,213,694). This rejection is respectfully traversed.

The Examiner cites the Ichikawa reference to show a first toothed wheel rigidly connected to an input shaft, a second toothed wheel rigidly attached to the driving shaft and a toothed driving belt for transmitting power. The Examiner feels it would have been obvious to one of ordinary skill in the art to make the apparatus of Larson with the toothed wheel arrangement of Ichikawa. Applicants submit that even if this reference does teach the features noted by the Examiner, that these claims are still allowable based on their dependency from allowable claim 10. Further, Applicants submit that the Ichikawa reference does not help Larson to overcome its deficiencies as noted above. Accordingly, Applicants submit that this rejection is also overcome.

Claims 8 and 9 stand rejected under 35 U.S.C. 103 as being obvious over Larson in view of Ichikawa and further in view of Evensen (USP 5,567,197). This rejection is respectfully traversed. The Examiner cites the Evensen reference to show a working cloth spirally wrapped around the surface of the roller. However, even

if this reference does teach this feature, it does not aid the other references in overcoming their deficiencies as noted above. Accordingly, Applicants submit that these claims are additionally allowable.

NO PROSECUTION HISTORY ESTOPPEL

Claim 10 is hereby presented in independent form. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claim 10 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing of the present application.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview

in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



James M. Slattery, #28,380

For

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

#43,368

JMS/RFG/jmb/gf
1291-0192P

Attachment(s): Abstract of the Disclosure